

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.11323 of 2018

R.Veerappan

... Petitioner

Vs

1.The District Election Officer
(Co-operative Societies),
Villupuram District.

2. Election Officer,
I.I.562, Koovaham Primary Agricultural
Co-operative Credit Society,
Koovaham, Villupuram District.

3.Tamil Nadu State Co-operative Societies
Election Commissioner,
No.273, Kamadhenu Supermarket,
I Floor, Anna Salai, Chennai-18.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the list of valid nominations/final contesting candidates said to have been published on 02.04.2018 by the 2nd respondent in respect of the election to the 2nd respondent society as null and void and consequently, direct the 2nd respondent to include all the nominations received on 31.03.2018 in the valid candidates' list and conduct the election for the Board of Directors of the 2nd respondent Society without rejection of any nominations.

For Petitioner : Mr.Vijayaganesh

For Respondents : Mr.L.P.Shanmughasundaram,
Special Government Pleader
for R1 and 2

Mr.M.Palanisamy,
Standing Counsel for R3

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Declaration, declaring that the list of valid nominations/final contesting candidates said to have been published on 02.04.2018 by the 2nd respondent in respect of the election to the 2nd respondent society as null and void and consequently, directing the 2nd respondent to include all the nominations received on 31.03.2018 in the valid candidates' list and conduct the

election for the Board of Directors of the 2nd respondent Society without rejection of any nominations.

2. Learned Counsel appearing for the petitioner submitted that the list of valid nominations and the final contesting list published on 02.04.2018 by the 2nd respondent is bad in law as they have not followed the procedure in due process of law and to conduct a free and fair election, a Writ of Declaration be issued.

3. This Court is unable to maintain the present Writ Petition for the reason that the final contesting candidates list was already published on 2.4.2018 and the election was also already over long time before. Hence, the prayer in the present Writ Petition has become infructuous. Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the Election Tribunal under Section 90 of the Co-operative Societies Act, challenging the elected candidates. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

tsi

To

1.The District Election Officer
(Co-operative Societies),
Villupuram District.

+1 cc to the Govt Pleader sr 35033

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 35118

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